

# EXHIBIT 1

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

ROBERT CANTU JR., Individually and On Behalf  
of Others Similarly Situated,

v.

CIRCLE BAR A, INC.,

CASE NO: 5:15-cv-0468-XR  
COLLECTIVE ACTION

JUDGE XAVIER RODRIGUEZ

**DECLARATION OF ROBERT CANTU, JR.**

I, Robert Cantu, Jr., am over eighteen (18) years of age, of sound mind, and fully competent to make this declaration. I have personal knowledge of the facts herein. If called to testify, I can and will testify as follows:


1. I am the named plaintiff in the above-referenced matter.
2. I worked as a Sand Coordinator for Circle Bar A, Inc. ("Circle Bar A") from September 2012 through May 2014.
3. I brought this lawsuit in order to recover overtime wages that I believe were owed to me due to the hours and nature of my work for Circle Bar A.
4. Because I believe that the other Circle Bar A Sand Coordinators were similarly situated to me, my lawsuit also sought to recover for these other Sand Coordinators.
5. During the time that this lawsuit has been ongoing and throughout the mediation and settlement process, I have been aware of the work that my attorneys have been doing, as well as the general legal issues in this case and in the settlement.
6. I was present at mediation of this matter (along with Jason Wright), and I have discussed the lawsuit and settlement on a number of occasions with my attorneys, Matthew S. Parmet of BRUCKNER BURCH PLLC.
7. During the course of these conversations, my attorneys have explained the case, the legal issues in the case, the expenses and costs that the law firms (BRUCKNER BURCH PLLC and FIBICH, LEEBRON, COPELAND, BRIGGS & JOSEPHSON) spent, and the result that they were able to obtain for myself and the other Sand Coordinators in resolving this matter on our behalf.
8. I have also previously signed the Settlement Agreement in this matter after having a chance to fully review it and ask questions about it. A true and correct copy of this Settlement Agreement is attached to the motion for approval as Exhibit C.
9. I have been able to ask my attorneys questions about the case, and each time, I received

an explanation that satisfied my concerns and answered by questions.

10. I understand that the settlement is final and cannot be reopened (as to myself and the other Sand Coordinators). I also understand that we could have a trial in this matter and could be awarded more than the settlement; the same as the settlement, or less than the settlement. I also understand that by accepting this settlement, I can never recover any additional money with respect to the FLSA allegations made in my Complaint.
11. My attorneys have discussed with me the amounts recovered for myself and the rest of the Sand Coordinators in relation to our potential backwages, particularly in light of Circle Bar A's defenses, the FLSA, and Circle Bar A's financial condition. Based upon this information, I believe that our attorneys achieved a successful outcome for all of us.
12. I am also fully aware that my attorneys have a 40% contingency fee arrangement to receive money out of the settlement amount. This fee arrangement was separately negotiated with my attorneys.
13. I am aware of the work that my attorneys have done in this lawsuit since it was filed and even beforehand, and I believe that the fee amount is fair and reasonable under the circumstances of this case.
14. It has further been explained to me, and is part of the Settlement Agreement (and the separately negotiated agreement I made with my attorneys), that the expenses in this matter (up to \$5,000.00) be deducted from my and the other Plaintiffs' portion of recovery in this matter (the remaining 60%). I approve of this division and payment of the expenses.
15. In reaching the settlement and distribution of funds, I have not participated in any fraud or collusion. Nor am I aware of, nor do I believe there was, any fraud or collusion on the part of anyone in securing the settlement and distribution of funds.
16. After considering all of the information set forth in this Declaration, the advice of my attorneys, and the facts that I am aware of regarding this lawsuit and the underlying FLSA dispute, I believe that this settlement is in the best interest of myself and the Sand Coordinators who have opted in.
17. I have spoken to other Sand Coordinators regarding these issues, and all of those that I have spoken to were in agreement with the opinions that I have given here regarding this settlement representing a successful outcome for us and its being in the best interest of the class.

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
6/16/2016

DocuSigned by:

  
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Robert Cantu, Jr.